

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-21 were pending in the application, of which Claims 1, 13, and 17 are independent. In the Final Office Action dated November 25, 2008, Claims 1-21 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-21 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Information Disclosure Statement

In the Office Action dated November 25, 2008, the Examiner stated that the Information Disclosure Statements filed on May 4, 2006, and August 23, 2006, failed to comply with 37 CFR 1.98(a)(1). Applicants respectfully submit that the Information Disclosure Statements dated May 4, 2006, and August 23, 2006, did not require a list of patents, publications, applications, or other information submitted for consideration by the Office because they included statements regarding non-public use.

## II. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,807,566 ("*Bates*") in view of U.S. Patent No. 5,724,567. Independent Claims 1, 13 and 17 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Amended Claim 1 is patentably distinguishable over the cited reference for at least the reason that it recites, for example, "if at least one user has read at least one post and not rated the at least one post, retaining the thread". Claims 13 and 17 each includes a similar recitation. Support for this amendment can be found in the specification at least in paragraph [0034].

In contrast, *Bates* teaches an electronic message board containing electronic message entries. (5:10-13). The electronic message board may be accessed from a server and displayed. Electronic message entries may include a plurality of electronic messages that are threaded together including responses to the initially posted message. (5:13-23). Message ratings may be determined by retrieving events representing user commands, such as providing positive feedback to a posted electronic message. (6:2-7). The message ratings may be displayed as a numerical value. (5:47-57). The message rating may be adjusted if neutral feedback is received or if the electronic message has been on the message board past a threshold amount of time. (7:49-54). The electronic message board may be configured to only display electronic messages having a message rating over a threshold value. (5:61-63).

*Bates* at least does not teach or suggest determining a delete date based on positive feedback, wherein if at least one user has read at least one post and not rated the at least one post, treating the user's action as positive feedback.

Furthermore, Rose does not overcome Bates' deficiencies. Rose teaches a system for directing relevance-ranked data objects to computer users. Rose discusses an electronic bulletin board system where articles and other items of posted information typically expire after some time period and are subsequently deleted. (1:31-39). Like Bates, in Rose, there is no determining a delete date based on positive feedback, wherein if at least one user has read at least one post and not rated the at least one post, treating the user's action as positive feedback. Combining Bates with Rose would not have led to the claimed invention because Bates and Rose, either individually or in combination, at least do not disclose "if at least one user has read at least one post and not rated the at least one post, retaining the thread," as recited by Claim 1. Claims 13 and 17 each includes a similar recitation. Accordingly, independent Claims 1, 13, and 17 each patentably distinguishes the present invention over the cited reference, and Applicants respectfully request withdrawal of this rejection of Claims 1, 13, and 17.

Dependent Claims 2-12, 14-16, and 18-21 are also allowable at least for the reasons described above regarding independent Claims 1, 13, and 17, and by virtue of their respective dependencies upon independent Claims 1, 13, and 17. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-12, 14-16, and 18-21.

### III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
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Date: February 25, 2009

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